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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,537	03/26/2004	Mark Elkington	VBW 5637	8947

321 7590 07/25/2006

SENNIGER POWERS
ONE METROPOLITAN SQUARE
16TH FLOOR
ST LOUIS, MO 63102

EXAMINER

COOLMAN, VAUGHN

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/810,537	Applicant(s) ELKINGTON ET AL.	
	Examiner Vaughn T. Coolman	Art Unit 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
4a) Of the above claim(s) 11 and 12 is/are withdrawn from consideration.
5) ☒ Claim(s) 22 and 23 is/are allowed.
6) ☒ Claim(s) 1-6 and 17-20 is/are rejected.
7) ☒ Claim(s) 7-16 and 21 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election of Species II in the reply filed on 05/17/2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Maravetz et al (U.S. Patent No. 6,416,074 B1).

[claim 1] Maravetz discloses (FIG 12) a snowboard binding (80) comprising: a base element (81) capable of being attached to a top of a snowboard; and an instep element (22) configured to extend over part of a snowboard boot applied to the base element, wherein the instep element is movable along at least one arc-like path (Column 5, lines 33-38).

[claim 2] Maravetz further shows the arc-like path running essentially transverse to a longitudinal axis of the binding.

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[claims 3 and 4] Maravetz further shows the at least one arc-like path being formed by at least one strap (24) that is fastened on both sides to the base element and extends over the instep element.

[claims 5 and 6] Maravetz also shows his snowboard binding further comprising at least one guide (30) on the at least one strap (24) and the instep element (22) which limit the arc-like path.

[claim 17] Maravetz further shows the instep element (22) being guided on at least two guide paths, one of which is arranged in a toe region of the snowboard boot and the other in an instep region of the snowboard boot (shown in FIG 12).

[claim 18] Maravetz further shows at least two guides (30b and 30c) being provided on each strap.

[claim 19] Maravetz further discloses each strap being adjustable in length (via tightening mechanism 26).

[claim 20] Maravetz further shows checks (35b) to block mobility of the instep element along the arc-like path.

Allowable Subject Matter

Claims 22 and 23 are allowed.

Claims 7-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Courvoisier et al (U.S. Patent No. 4,660,303) teaches a binding including an instep element, at least one adjustable length strap, and two guides on the instep element and strap.

Elkington (U.S. Patent No. 6,938,913 B2) teaches a snowboard binding including elements of the claimed invention.

Fournier (U.S. Patent No. 5,556,123) and Howe (U.S. Patent No. 3,060,600) teach a snowboard binding including an instep element, at least one adjustable length strap, and guides on the instep element and strap.

Allsop (U.S. Patent No. 3,765,694) teaches a strap for a snowboard binding including a guide opening and a guide pin similar to the instant application.

Barnes (U.S. Patent No. 1,542,848) teaches a shoe having guide openings and guide pins similar to the instant application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vaughn T. Coolman whose telephone number is (571) 272-6014. The examiner can normally be reached on Monday thru Friday, 8am-6pm EST.

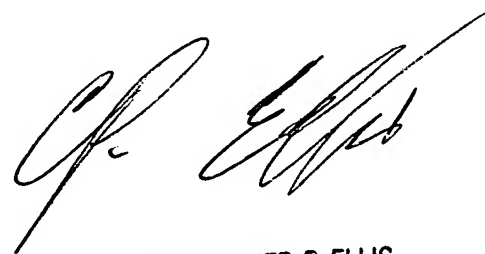
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


vtc
07/19/06

Travis Coolman
Examiner
Art Unit 3618



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